

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Maura Roche	Team: Squad #10	CCRB Case #: 201905879	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 07/04/2019 1:50 AM	Location of Incident: Sterling Place at Utica Avenue	Precinct: 77	18 Mo. SOL 1/4/2021	EO SOL 8/21/2021	
Date/Time CV Reported Thu, 07/04/2019 5:24 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Thu, 07/04/2019 5:24 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			SRG
2. DT2 Jeremy Veit	02516	935920	SRG
3. DTS John Antoniadis	5523	954495	SRG
4. DTS Bennett Shelley	5127	947489	SRG
5. SDS Robert Barnett	00157	918730	SRG

Officer(s)	Allegation	Investigator Recommendation
A.SDS Robert Barnett	Abuse: Sergeant Robert Barnett stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
B.DT2 Jeremy Veit	Abuse: Detective Jeremy Veit stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
C.DTS Bennett Shelley	Abuse: Detective Bennett Shelley stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
D.DTS John Antoniadis	Abuse: Detective John Antoniadis stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
E.DTS John Antoniadis	Abuse: Detective John Antoniadis frisked § 87(2)(b)	
F.DTS John Antoniadis	Abuse: Detective John Antoniadis searched § 87(2)(b)	
G.DTS John Antoniadis	Abuse: Detective John Antoniadis searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
H.DTS John Antoniadis	Abuse: Detective John Antoniadis frisked § 87(2)(b)	
I.DTS John Antoniadis	Abuse: Detective John Antoniadis searched § 87(2)(b)	
J.DTS John Antoniadis	Abuse: Detective John Antoniadis strip-searched § 87(2)(b)	
K.DTS John Antoniadis	Force: Detective John Antoniadis used physical force against § 87(2)(b)	
L. An officer	Force: An officer used physical force against § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
M.DTS Bennett Shelley	Abuse: Detective Bennett Shelley searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
N. An officer	Abuse: An officer interfered with § 87(2)(b)'s use of a recording device.	
O.SDS Robert Barnett	Abuse: Sergeant Robert Barnett refused to provide his name to § 87(2)(b)	
P.DT2 Jeremy Veit	Abuse: Detective Jeremy Veit refused to provide his name to § 87(2)(b)	
Q.DTS John Antoniades	Abuse: Detective John Antoniades refused to provide his name to § 87(2)(b)	
R.SDS Robert Barnett	Abuse: Sergeant Robert Barnett refused to provide his shield number to § 87(2)(b)	
S.DT2 Jeremy Veit	Abuse: Detective Jeremy Veit refused to provide his shield number to § 87(2)(b)	
T.DTS John Antoniades	Abuse: Detective John Antoniades refused to provide his shield number to § 87(2)(b)	
U.DTS John Antoniades	Abuse: Detective John Antoniades failed to provide § 87(2)(b) with a business card.	
V.DTS John Antoniades	Abuse: Detective John Antoniades failed to provide § 87(2)(b) with a business card.	
W.DTS Bennett Shelley	Abuse: Detective Bennett Shelley failed to provide § 87(2)(b) with a business card.	
X.DTS Bennett Shelley	Abuse: Detective Bennett Shelley failed to provide § 87(2)(b) with a business card.	
Y.DTS Bennett Shelley	Abuse: Detective Bennett Shelley failed to provide § 87(2)(b) with a business card.	
Z.DTS Bennett Shelley	Abuse: Detective Bennett Shelley failed to provide § 87(2)(b) with a business card.	
§ 87(2)(g), § 87(4-b)		
§ 87(4-b), § 87(2)(g)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		

Case Summary

On July 4, 2019, § 87(2)(b) filed this complaint on behalf of himself and his friends, § 87(2)(b) and § 87(2)(b) with the CCRB by phone.

On July 4, 2019, at approximately 1:50 a.m., on Sterling Place at Utica Avenue in Brooklyn, Sgt. Robert Barnett, Det. Jeremy Veit, Det. Bennett Shelley, and Det. John Antoniadis, all of SRG (Sgt. Barnett has been reassigned to the Drug Enforcement Task Force, Det. Veit to the Criminal Enterprise Investigation Section, Det. Shelley to the Firearm Suppression Section, and Det. Antoniadis resigned (**BR 01**)) stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants (**Allegations A, B, and C: Abuse of Authority – Vehicle Stop, § 87(2)(g) Allegation D: Abuse of Authority – Vehicle Stop, § 87(2)(g)**). Det. Antoniadis asked § 87(2)(b) to step out of the car and allegedly patted down the outside of his clothes (**Allegation E: Abuse of Authority – Frisk, § 87(2)(g)**) and put his hands into § 87(2)(b)'s pants pockets (**Allegation F: Abuse of Authority – Search (of person), § 87(2)(g)**).

Det. Antoniadis told § 87(2)(b) “There’s weed in the car,” and asked § 87(2)(b) to step out of the car. When § 87(2)(b) did not immediately get out of the car, Det. Antoniadis allegedly reached into the open front driver’s side window, pressed the unlock button, which was on the interior of the door, and opened the back driver’s side door where § 87(2)(b) was sitting (**Allegation G: Abuse of Authority – Vehicle Search, § 87(2)(g)**). When § 87(2)(b) stepped out of the car, Det. Antoniadis allegedly patted down the exterior of § 87(2)(b)'s clothes (**Allegation H: Abuse of Authority – Frisk, § 87(2)(g)**) and removed § 87(2)(b)'s wallet, keys, and Air Pods from his pants pockets (**Allegation I: Abuse of Authority – Search (of person), § 87(2)(g)**). Det. Antoniadis then allegedly pulled the front of § 87(2)(b)'s shorts away from his body, exposing his underwear (**Allegation J: Abuse of Authority – Strip Search, § 87(2)(g)**), § 87(2)(b), § 87(2)(a) CVR § 50-b

§ 87(2)(b) jumped back in surprise, and another officer allegedly grabbed § 87(2)(b)'s right arm from behind, pulled it down, twisted it behind his back, and held it there (**Allegation L: Force – Physical Force, § 87(2)(g)**).

Det. Veit asked § 87(2)(b) and § 87(2)(b) to get out of the car and walk toward the trunk, where they were joined by § 87(2)(b) Det. Veit, Det. Antoniadis, and Sgt. Barnett while Det. Shelley allegedly searched § 87(2)(b)'s car (**Allegation M: Abuse of Authority – Vehicle Search, § 87(2)(g)**). As Det. Shelley searched § 87(2)(b)'s car, one of the officers allegedly told § 87(2)(b) that she could not film (**Allegation N: Abuse of Authority – Interference with Recording Device, § 87(2)(g)**). § 87(2)(b) asked Sgt. Barnett, Det. Veit, and Det. Antoniadis for their names (**Allegations O and P: Abuse of Authority – Refusal to Provide Name, § 87(2)(g)**) and shield numbers (**Allegations R and S: Abuse of Authority – Refusal to Provide Shield Number, § 87(2)(g)**) (**Allegation T: Abuse of Authority – Refusal to Provide Shield Number, § 87(2)(g)**) which they allegedly refused to provide.

After Det. Shelley finished searching the car, Det. Antoniadis allegedly left without providing business cards to § 87(2)(b) (**Allegations U and V: Abuse of Authority – Failure to Provide RTKA Card, § 87(2)(g)**) and Det. Shelley allegedly left without providing business cards to § 87(2)(b) or § 87(2)(b) (**Allegation W, X, Y, and Z: Abuse of Authority – Failure to Provide RTKA Card, § 87(2)(g)**).

There was no video of this incident. No arrests or summonses resulted from this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Sergeant Robert Barnett stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

Allegation (B) Abuse of Authority: Detective Jeremy Veit stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

Allegation (C) Abuse of Authority: Detective Bennett Shelley stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

§ 87(2)(b) (BR 02, and BR 03) and § 87(2)(b) (BR 04) consistently stated that § 87(2)(b) was in the back-driver's seat of a car with § 87(2)(b) who was driving, § 87(2)(b) who was in the front passenger seat, and § 87(2)(b) who was in the back passenger seat. § 87(2)(b) made a left turn from Utica Avenue onto Sterling Place and double parked his car on the north side of the street because he wanted to go to a bodega. Before § 87(2)(b) could exit the car, an unmarked car behind them flashed its lights indicating that they should stop.

§ 87(2)(b) declined to provide a statement, and the investigation was unable to establish contact with § 87(2)(b).

Sgt. Barnett (BR 05) stated that he, Det. Veit, and Det. Shelley stopped § 87(2)(b)'s car because it was double parked and could not recall any other reason for the stop.

Det. Shelley (BR 06) and Det. Veit (BR 07) had no recollection of the incident.

There was no stop report for this incident (BR 08).

Based on consistent statements from § 87(2)(b) and Sgt. Barnett, the investigation determined that § 87(2)(b) was double parked when the officers stopped him.

NY Vehicle and Traffic Law §1202 (BR 09) stated that except when necessary to avoid conflict with other traffic, or when in compliance with law or the directions of a police officer or official traffic control device, no person shall stop, stand, or park a vehicle on the roadway side of any vehicle stopped, standing, or parked at the edge of curb of a street, or within an intersection, except when permitted by official signs or parking meters on the side of a highway opposite a street with intersects but does not cross such highway.

§ 87(2)(b), § 87(2)(g)

Allegation (L) Force: An officer used physical force against § 87(2)(b)

§ 87(2)(b) (BR 02 and BR 03) consistently stated that he jumped slightly backwards in reaction after he felt Det. Antoniadis hit his penis and testicles (see below – **Allegation K**), and another officer from behind him who he did not see grabbed his right arm, pulled it down toward the ground, twisted it behind § 87(2)(b)'s back, and held it there while another officer held § 87(2)(b)'s left arm down by his side.

§ 87(2)(b) (BR 04) did not recount this portion of the incident.

As noted above, § 87(2)(b) declined to provide a statement, and the investigation was unable to contact § 87(2)(b).

Sgt. Barnett (BR 05) stated that he did not have a clear view of the driver's side of § 87(2)(b)'s car, so he did not see or hear what happened between § 87(2)(b) and the officers with them, nor could he recall who these officers were. Sgt. Barnett did not recall seeing § 87(2)(b) jump backwards and an officer grab and twist his arm behind his back.

Det. Veit (BR 07) and Det. Shelley (BR 06) had no recollection of the incident.

§ 87(2)(b) was unable to provide a description of the officer who pulled and twisted § 87(2)(b)'s arm; § 87(2)(b) did not recount this portion of the incident; § 87(2)(b) and § 87(2)(b) did not provide statements to the investigation; Sgt. Barnett did not recall this use of force; and Det. Veit and Det. Shelley had no recollection of the incident occurring.

§ 87(2)(b), § 87(2)(g)

Allegation (M) Abuse of Authority: Detective Bennett Shelley searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

§ 87(2)(b) consistently stated (BR 02 and BR 03) that when he got out of the car, an officer told him, “There’s weed in the car.” § 87(2)(b) explained that he had just stopped at Peppa’s Chicken, and there were leftovers in the backseat, so the car smelled like chicken. § 87(2)(b) denied having any marijuana on him or anywhere in the car, had not smoked earlier either alone or with anyone in the car, and did not smell any marijuana inside the car. § 87(2)(b) did not think that anyone else in the car was in possession of marijuana).

When § 87(2)(b) and § 87(2)(b) got out of the car, § 87(2)(b) saw Det. Shelley lean into § 87(2)(b)’s car and look around. At the back of § 87(2)(b)’s car, Sgt. Barnett and Det. Veit instructed § 87(2)(b) and § 87(2)(b) to keep their backs to § 87(2)(b)’s car. Although he was facing away from the car, § 87(2)(b) heard Det. Shelley opening and closing car doors.

§ 87(2)(b)’s statement (BR 04) was generally consistent with that of § 87(2)(b) with the following exceptions noted. § 87(2)(b) stated that she did not have any marijuana on herself or in the car, had not smoked earlier, and had not smelled any marijuana in the car. § 87(2)(b) thought that two officers were searching the car, but she did not clearly see where they searched.

As noted above, § 87(2)(b) declined to provide a statement, and the investigation was unable to contact § 87(2)(b).

Sgt. Barnett (BR 05) stated that he was at the back of the car with § 87(2)(b) and § 87(2)(b) when another officer, he could not recall who, searched § 87(2)(b)’s car. Sgt. Barnett did not recall instructing any officers to search the car, or if more than one officer searched the car. § 87(2)(b) asked Sgt. Barnett why there was an officer searching the car, and he told her it was because they had smelled marijuana in the car and wanted to “make sure everything was okay.” After the officers left the location, the officer who searched the car told him that he had smelled marijuana inside the car as well as empty cups that may have contained alcohol at some point. Nothing was recovered from the car.

Det. Veit (BR 07) and Det. Shelley (BR 06) had no recollection of this incident.

While it was undisputed that Det. Shelley searched § 87(2)(b)’s car, Sgt. Barnett stated that it was because of the odor of marijuana, and § 87(2)(b) and § 87(2)(b) both denied possession of marijuana, had not smoked prior to getting in the car, and had not smelled any marijuana in the car.

According to People v. Chestnut, 43 A.D.2d 260 (1974) (BR 10), the smell of marijuana smoke, with nothing more, can be sufficient to provide officers with probable cause to search an automobile and its occupants.

§ 87(2)(b), § 87(2)(g)

Allegation (N) Abuse of Authority: An officer interfered with § 87(2)(b)’s use of a recording device.

Allegation (O) Abuse of Authority: Sergeant Robert Barnett refused to provide his name to § 87(2)(b).

Allegation (P) Abuse of Authority: Detective Jeremy Veit refused to provide his name to § 87(2)(b).

Allegation (R) Abuse of Authority: Sergeant Robert Barnett refused to provide his shield number to § 87(2)(b).

Allegation (S) Abuse of Authority: Detective Jeremy Veit refused to provide his shield number to § 87(2)(b).

§ 87(2)(b) consistently stated (BR 02 and BR 03) that when he was at the back of the car with § 87(2)(b) and § 87(2)(b) was trying to record the police car’s license plate number in her phone. One of the officers, § 87(2)(b) could not recall who, told § 87(2)(b) that she could not have her phone with her and told her to put it in § 87(2)(b)’s car, which she did. § 87(2)(b)

then asked Sgt. Barnett and Det. Veit for their names and shield numbers, but they refused to give this information to her.

§ 87(2)(b) (BR 04), did not describe this portion of the incident, and § 87(2)(b) and § 87(2)(b) did not provide statements to the investigation.

Sgt. Barnett (BR 05) stated that when he was standing at the back of § 87(2)(b)'s car, § 87(2)(b) asked a lot of questions about why they had been stopped, which he answered (Sgt. Barnett could not recall the specific answers that he provided to her), so his attention was primarily focused on her. Sgt. Barnett did not recall that § 87(2)(b) was holding a phone at any point during his conversation with her, nor could he recall if any of the occupants of the car had been holding cell phones. Sgt. Barnett denied ever telling § 87(2)(b) or anyone else that they could not have a phone with them and were not permitted to record the incident, and he had no recollection of any officers saying this to her. Sgt. Barnett could not recall if § 87(2)(b) or any of the other occupants in the car asked for his or Det. Veit's name and shield numbers.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) did not provide statements to the investigation; § 87(2)(b) could not describe the officer who told § 87(2)(b) that she could not record; Sgt. Barnett denied ever telling § 87(2)(b) that she could not record and could not recall if § 87(2)(b) asked for their name or shield numbers or if anyone refused to provide them; § 87(2)(b) did not describe an officer telling § 87(2)(b) that she could not record or that § 87(2)(b) had asked for names and shield numbers which had not been provided; and Det. Veit and Det. Shelley had no recollection of the incident.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation (W) Abuse of Authority Detective Bennett Shelley failed to provide § 87(2)(b) with a business card.

Allegation (X) Abuse of Authority: Detective Bennett Shelley failed to provide § 87(2)(b) with a business card.

Allegation (Y) Abuse of Authority: Detective Bennett Shelley failed to provide § 87(2)(b) with a business card.

Allegation (T) Abuse of Authority: Detective Bennett Shelley failed to provide § 87(2)(b) with a business card.

§ 87(2)(b) (BR 02 and BR 03) and § 87(2)(b) (BR 04) consistently stated that after Det. Shelley finished searching § 87(2)(b)'s car, the officers left without providing anyone with business cards.

§ 87(2)(b) and § 87(2)(b) did not provide statements to the investigation.

Det. Shelley (BR 06), Sgt. Barnett (BR 04), and Det. Veit (BR 07), all stated that they had business cards with them at the time of the incident. Sgt. Barnett could not recall if he or any of the other officers present provided anyone with a business card, but that it had been his understanding that officers were required to provide business cards during any interaction with the public. Det. Shelley and Det. Veit had no recollection of the incident and both thought that they were required to provide business cards during vehicle stops.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b). While § 87(2)(b) and § 87(2)(b) stated that they did not receive any business cards, § 87(2)(b) and § 87(2)(b) did not provide statements, Sgt. Barnett could not recall if he or other officers provided business cards, and Det. Shelley and Det. Veit had no recollection of

the incident.

Patrol Guide procedure 203-09 (**BR 11**) states that officers are required to offer pre-printed right to know business cards upon the conclusion of law enforcement activities, except in cases when a summons is issued or an arrest is made, or exigent circumstances are present (i.e., physical resistance, flight, imminent danger of physical injury or damage to property, or other factors make such procedure impractical).

§ 87(2)(g)

Allegation (D) Abuse of Authority: Detective John Antoniades stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

Allegation (E) Abuse of Authority: Detective John Antoniades frisked § 87(2)(b)

Allegation (F) Abuse of Authority: Detective John Antoniades searched § 87(2)(b)

Allegation (G) Abuse of Authority: Detective John Antoniades searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

Allegation (H) Abuse of Authority: Detective John Antoniades frisked § 87(2)(b)

Allegation (I) Abuse of Authority: Detective John Antoniades searched § 87(2)(b)

Allegation (J) Abuse of Authority: Detective John Antoniades strip-searched § 87(2)(b)

Allegation (K) Force: Detective John Antoniades used physical force against § 87(2)(b)

Allegation (Q) Abuse of Authority: Detective John Antoniades refused to provide his name to § 87(2)(b)

Allegation (T) Abuse of Authority: Detective John Antoniades refused to provide his shield number to § 87(2)(b)

Allegation (U) Abuse of Authority: Detective John Antoniades failed to provide § 87(2)(b) with a business card.

Allegation (V) Abuse of Authority: Detective John Antoniades failed to provide § 87(2)(b) with a business card.

§ 87(2)(b) (**BR 02** and **BR 03**) and § 87(2)(b) (**BR 04**) consistently alleged that Det. Antoniades also stopped § 87(2)(b)'s car. § 87(2)(b) alleged that Det. Antoniades reached into the front driver's side window to unlock the car doors. § 87(2)(b) and § 87(2)(b) both alleged that Det. Antoniades frisked and searched § 87(2)(b) and § 87(2)(b) after they got out of the car. § 87(2)(b) further alleged that Det. Antoniades pulled down the front of his shorts, exposing his underwear. § 87(2)(b), § 87(2)(a) CVR § 50-b

§ 87(2)(b) also alleged that Det. Antoniades refused to provide § 87(2)(b) with his name and shield number and did not provide him and § 87(2)(b) with business cards after frisking and searching him.

DAO confirmed that Det. Antoniades resigned from the NYPD on October 21, 2019 (**BR 01**).

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- § 87(2)(b)
- This is the first complaint to which § 87(2)(b) has been a party (**BR 18**).
- This is the first complaint to which § 87(2)(b) has been a party (**BR 19**).
- This is the first complaint to which § 87(2)(b) has been a party (**BR 20**).
- Sgt. Barnett has been a member of service for 23 years and has been a subject in 11 CCRB complaints and 30 allegations, of which three were substantiated.
 - 201015749 involved a substantiated allegation of abuse – premises entered and/or searched against Sgt. Barnett. The Board recommended Charges, and the NYPD imposed Instructions.
 - 201803477 involved substantiated allegations of a stop and a frisk against Sgt. Barnett. The Board recommended Command Discipline A, and the NYPD imposed formalized training.
 - § 87(2)(g)
- Det. Veit has been a member of service for 16 years and has been a subject in nine CCRB complaints and 18 allegations, of which one was substantiated.
 - 201017490 involved a substantiated allegation of a threat of force against Det. Veit. The Board recommended charges, and the NYPD imposed no penalty.
 - § 87(2)(g)
- Det. Shelley has been a member of the service for 12 years and has been a subject in 17 CCRB complaints and 35 allegations, of which three were substantiated.
 - 201502152 involved allegations of frisks against Det. Shelley. The Board recommended charges, and the NYPD imposed a forfeiture of 2 vacation days.
 - § 87(2)(g)
- Det. Antoniades had been a member of service for six years before his resignation on October 21, 2019, and was a subject in three cases with 10 allegations, of which two were substantiated.

- 201803477 involved substantiated allegations of a stop and a frisk against Det. Antoniades. The Board recommended Command Discipline A and the NYPD penalty was his resignation.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of June 4, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint (**BR 21**).
- § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b)

Squad No.: 10

Investigator: <u>Maura R. Roche</u>	<u>SI Maura R. Roche</u>	<u>12/10/2020</u>
Signature	Print Title & Name	Date

Squad Leader: <u>Eric Rigie</u>	<u>IM Eric Rigie</u>	<u>12/11/2020</u>
Signature	Print Title & Name	Date

Reviewer: _____	_____	_____
Signature	Print Title & Name	Date